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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,122	07/27/2001	David E. Halasz	72255/05451	2229

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EXAMINER
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VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,122

Applicant(s)

HALASZ ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-21 and 25-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,5-21 and 25-35 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

1. Claims 1-2,5-21,25-35 are pending. Claims 1 and 21 have been amended. The Final Action is appropriate.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2,5-21,25-35 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

3. Claims 1 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

a. A client was not specified as a user (human) or client node (machine).

b. A predetermined expectation (i.e.: a human expectation) is too broad and vague and not provide a precise, concrete and tangible result.

Claims 1 and 21 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 112***

4. Claims 1-2,5-21,25-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: A first access point).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2,5-21,25-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al [Zhang 2002/017335 A1].

5. As per claim 1, Zhang discloses A method of detecting a rogue access point by a client Zhang, a rogue access point, 0024] comprising the steps of:

directing a packet from the client to a network through a first access point [Zhang, Fig 1];

receiving a network response packet by the client from the access point [Zhang, Fig 1-5];

determining that the first access point is a rogue access point by the client based on the network response packet received from the access point in being in nonconformity with predetermined expectations [Zhang, predetermined threshold, claim 39];

authenticating the client through a valid access point to the networks subsequent to determining that the first access point is a rogue access point [Zhang, RADIUS server, 0042]; and

reporting the first access point as a rogue access point by the client to the network through the valid access point [Zhang, monitor and record, 0091,0092].

6. As per claim 2, Zhang discloses authenticating the client to the network [Zhang, mutual authentication, 0023,0024].

7. As per claim 5, Zhang discloses the predetermined expectations comprise data traffic conforming with IEEE's 802.1X standards [Zhang, 802.1X, 0044-0047].

8. As per claim 6, Zhang discloses the predetermined expectations a mutual authentication to the network wherein nonconformity is determined by a failure of the mutual authentication [Zhang, mutual authentication, 0023,0024].

9. As per claim 7, Zhang discloses issuing a challenge from an authentication server to the client; and counter challenge from the client to the authentication server [Zhang, RADIUS server, 0042]; wherein mutual authentication fails at the counter challenge since the first access point's username and password are not found in the authentication server database [Zhang, mutual authentication, 0023,0024].

10. As per claim 8, Zhang discloses directing a message containing identity credentials from the client through the access point to an authentication server [Zhang, RADIUS server, 0042];

validating the identity credentials of the client using the authentication server  
[Zhang, RADIUS server, 0042];

forwarding a send key from the authentication server to the client through the  
first access point [Zhang, broadcast key, claim 26];

independently deriving a session key from the send key and the identity  
credentials by the client and the authentication server [Zhang, session key, 0029];

encrypting data packets between the client and the authentication server using  
the derived session key [Zhang, encryption, 0029].

11. As per claim 9, Zhang discloses the credentials are a username/password  
combination [Zhang, login session, 0042,0066,0075].

12. As per claim 10, Zhang discloses prior to the step of directing, sending a start  
message from the client to the first access point; sending an identity request message  
from the first access point to the client; and wherein the step of directing a message  
comprises sending an identity response message containing the identity credentials  
from the client to the first Access point in response to the identity request message, and  
forwarding the identity response message from the first access point to the  
authentication server [Zhang, forwarded, 0078,0082,0085].

13. As per claim 11, Zhang discloses the authentication server is a Remote-  
Authentication Dial-In User Service server and wherein the identity response message

is in the form of a Remote Authentication Dial-user Service access requests wherein the method further comprises the steps of:

responding to the Remote Authentication Dial-In User Service access request with a Remote Authentication Dial-In User Service challenge from the authentication server to the client; and responding from the client to the Remote Authentication Dial-In User Service challenge according to the Remote Authentication Dial-in User Service protocol [Zhang, RADIUS server, 0042].

14. As per claim 12, Zhang discloses sending the Remote Authentication Dial-in User Service accept message and wherein the send key comprises an Microsoft-Micros-oft Point-to-point Encryption send-key [Zhang, RADIUS server, 0042].

15. As per claim 13, Zhang discloses, supplying key length and key index to specify encryption parameters for the session key [Zhang, session key, 0029].

16. As per claim 14, Zhang discloses the encryption parameters are based on one of a 40/64-bit and a 104/128-bit key [Zhang, encryption, 0029].

17. As per claim 15, Zhang discloses configuring the client a supplicant in a device mode where the identity credentials are stored on a network card for non-interactive authentication by a user [Zhang, LAN card, 0030].

18. As per claim 16, Zhang discloses the initial step of configuring the client a supplicant in a network logon mode where the identity credentials are integrated into a network logon to enable a single sign-on for network authentication and personal computer network logon [Zhang, single shared secret key, 0069].

19. As per claim 17, Zhang discloses configuring the valid access point to use one of 40/64-bit and 104/128-bit WEP mode [Zhang, WEP, 0029]; and providing the valid access point with the authentication server address and encryption scheme to be used for communication [Zhang, encryption, 0029].

20. As per claim 18, Zhang discloses setting up a user database selected from at least one of a local database and a network database; setting up the valid access point as a network access server [Zhang, memory with software, 0038].

21. As per claim 19, Zhang discloses the client Valid access point and authentication server are part of a wireless local area network [Zhang, WLAN, 0016].

22. As per claim 20, Zhang discloses valid access point and authentication server are part of a hard-wired local area network [Zhang, LAN, 0021].



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23. As per claim 21, Zhang discloses a mutual authentication to the network, wherein non-conformity is determined by a failure of the mutual authentication [Zhang, mutual authentication, 0023,0024].

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

